**IN THE HIGH COURT OF JUDICATURE**
**AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.11 OF 2007**
**IN**
**FIRST APPEAL NO.1725 OF 2007**
**IN**
**L.C.SUIT NO.1574 OF 2000**

M/s. Fayyaz & Co. ...Petitioners
Vs.
Municipal Corpn. Of Greater Mumbai & Ors. ...Respondents

Mr. K.P. Tiwari, Advocate for Petitioners
Mr. J.J.Xavier Advocate for Respondents

**CORAM: SMT.ROSHAN DALVI,J.**
**DATED: 26TH JUNE, 2007**

**P.C.**

1. The Appellants/Petitioners have applied for review of order of my brother Judge Mr. Justice S.K. Shah, as he then was dated 4th April, 2007 which has considered the facts of the Appellant's case on merits and dismissed the Appeal.

2. It is contended on behalf of the Appellants/Petitioners that the Appellant is the tenant and notice to the landlord, which was imperative, was not given. It is, therefore, contended that the order be modified.

3. The rent receipts produced by the Appellant are in respect of a stall (Bakda) on the ground floor of the building. The Appellant is therefore, a tenant in respect of the ground floor Bakda. The suit premises is not the tenanted premises. The Suit premises shown in the notice issued under Section 314 of M.M.C. Act is between building Nos.24 and 26/36 which falls on the road. Hence, the Appellant is not the tenant in respect of the suit structure. Hence, no notice to the landlord need be issued in respect of the suit structure.

4. Review Petition is dismissed.

**(SMT. ROSHAN DALVI, J.)**